

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Ricky G. Luke	TELEPHONE NUMBER (601)359-1154	
ADDRESS P.O. Box 1609		CITY Jackson	STATE MS	ZIP 39215 -1609
EMAIL ricky@mdac.ms.gov	SUBMIT DATE 4/6/2020	Name or number of rule(s): Title 2, Part 1 MDAC Rules, Subpart 4, Chapter 9, Section 115.04 of the Weights and Measures Regulations		

Due to the continuing escalation in the number of cases of COVID-19 and the emergency orders and guidance issued at the local, state and federal mandating social distancing among the public and limiting travel for only essential matters, the Department issues this temporary rule to provide a waiver of the annual verification and calibration for field standards used by scale and other service repair persons and companies. The reasoning for this waiver is to alleviate the requirement during the pendency of emergency conditions that such repair persons and companies travel to the State Metrology Lab to obtain verification and calibration. This rule will reduce exposure of the public and Department employees in a manner consistent with local, state and federal guidance and directives.

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. § 75-27-19.*

List all rules repealed, amended, or suspended by the proposed rule: Section 115.04.

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

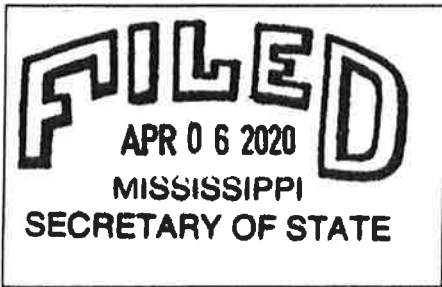
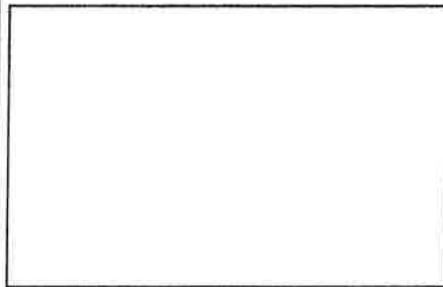
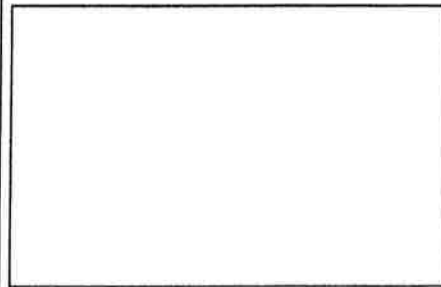
ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input checked="" type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input checked="" type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Brian Perry, Chief of Staff, MS Department of Agriculture & Commerce

Signature of person authorized to file rules: *Brian Perry*

OFFICIAL FILING STAMP 	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP 	OFFICIAL FILING STAMP 
Accepted for filing by #24822 <i>[Signature]</i>	Accepted for filing by	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Subpart 4-Bureau of Regulatory Services
Chapter 09-Weights and Measures Regulations

Regulation for Licensing of Scale Service Repairpersons and Scale Service-Repair Companies.

115.04 Examination and Calibration or Certification of Standards and Testing Equipment. All field standards that are used for servicing and testing weights and measures devices for which a license under this regulation is required shall be submitted to the Department for initial verification and calibration and annually thereafter. A licensed service repairperson or service repair company shall not use in servicing commercial weighing or measuring devices any field standards or testing equipment that have not been calibrated or verified by the Department. In lieu of submission of physical standards, the Commissioner may accept calibration and/or verification reports from any laboratory that is formally accredited or recognized by NIST. The Department shall maintain a list of organizations from which it will accept calibration reports. The Department shall retain the right to periodically monitor calibration results and/or to verify field standard compliance to specifications and tolerances when field standards are initially placed into service or at any intermediate point between calibrations.

The requirement in the preceding paragraph of this regulation that field standards be submitted to the Department annually for verification and calibration is waived with regard to any such field standards which are the subject of a Certificate of Calibration that was dated within twelve (12) calendar months immediately preceding the period of time from March 13, 2020 until August 4, 2020. Such period of time shall be known as the waiver period. The Certificate of Calibration for field standards on which a waiver is granted during this waiver period shall be valid for a period of twenty-four (24) months from the "Date of Test" indicated on the Certificate of Calibration; and such field standards may be used in servicing of commercial weighing or measuring devices during the twenty-four (24) month period. This paragraph shall repeal August 4, 2020.

(Adopted April 6, 2010; Temporary Rule April 6, 2020.)

Source: *Miss. Code Ann.* §75-27-19.

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